

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ST. PAUL MERCURY INSURANCE
COMPANY

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Plaintiff

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v.

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Civil Action No. 02-CV-3511

PHILADELPHIA HOUSING
AUTHORITY

*

Defendant.

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**PLAINTIFF ST. PAUL MERCURY INSURANCE COMPANY'S
MOTION TO SUBSTITUTE AFFIDAVIT**

Plaintiff St. Paul Mercury Insurance Company ("St. Paul"), by its undersigned counsel, hereby respectfully submits the attached executed Declaration of Claire Hoyum, to be substituted for the unsigned Declaration attached to Plaintiff St. Paul Mercury Insurance Company's Opposition to Defendant's Motion To Compel, which was filed on August 25, 2003. The attached Declaration differs from the unsigned Declaration previously filed in only two particulars: (1) the spelling of Ms. Hoyum's name has been corrected; and (2) Paragraph 3 has been corrected as to Ms. Hoyum's job title and employer.

Respectfully submitted,

**VENABLE, BAETJER AND
HOWARD, LLP**

By: 

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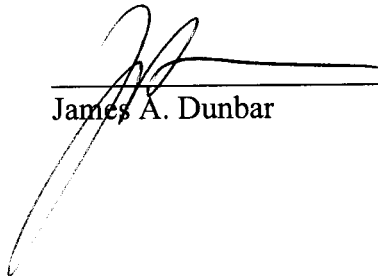
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Attorneys for Plaintiff
St. Paul Mercury Insurance
Company
(610) 397-4600

Dated: September 2, 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of September, 2003, copies of Plaintiff St. Paul Mercury Insurance Company's Motion To Substitute Affidavit and proposed Order, were sent via first-class mail, postage prepaid, to:

Denis James Lawler, Esquire
Daniel E. Rhynhart, Esquire
Blank Rome Comisky & McCauley, LLP
One Logan Square
Philadelphia, PA 19103-6998
Counsel for Philadelphia Housing Authority



James A. Dunbar

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Civil Action No. 02-CV-3511

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DECLARATION OF CLAIRE HOYUM

1. My name is Claire Hoyum.

2. I have personal knowledge of the facts set forth in this Declaration, am over the age of eighteen (18) years, and am competent to testify to the matters set forth herein.

3. I am employed by the St. Paul Companies ("St. Paul"), and my job responsibilities include being familiar with St. Paul's policies and practices concerning the deletion and retention of e-mails. This declaration addresses applicable corporate policies and practices up through October 2002.

4. E-mail messages in a St. Paul employee's Inbox are retained for 30 days beyond the date of their receipt, if they have been opened. If still unopened after 30 days, a message remains in the Inbox until it is opened, and then is deleted in the next automated Inbox cleanup. The automated cleanup runs nightly against employee mailboxes.

5. A St. Paul employee may extend the retention of messages in the Inbox by moving them to folders. Messages moved from an employee's Inbox to a folder are retained until the employee actively deletes them.

6. Messages a St. Paul employee sends and retains in the Sent folder are similarly retained until the employee actively deletes them.

7. St. Paul employees' mail databases are backed up nightly, and backups are normally retained for 5 weeks (35 days). Within this 35-day rotation, each night the oldest existing backup tapes are reused to create the current night's backups.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury on this 18th day of August, 2003, that the foregoing is true and correct.

Claire Hoyum 8/27/03
Claire Hoyum.

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Civil Action No. 02-CV-3511

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ORDER

HAVING REVIEWED AND CONSIDERED Plaintiff St. Paul Mercury Insurance Company's Motion To Substitute Affidavit and any response thereto, it is this _____ day of _____, 2003 hereby

ORDERED that the aforesaid Motion be and hereby is GRANTED; and it is further

ORDERED that the attached executed Declaration of Clare Hoyum be and hereby is substituted for the unsigned Declaration attached as an Exhibit to St. Paul Mercury Insurance Company's Opposition to Defendant's Motion To Compel filed on August 25, 2003.

Hon. Norma J. Shapiro
Senior United States District Court Judge